



General Assembly

**Substitute Bill No. 217**

February Session, 2006

\* \_\_\_\_\_SB00217LAB\_\_\_\_031506\_\_\_\_\_\*

**AN ACT CONCERNING DISCRETIONARY BENEFITS UNDER THE  
WORKERS' COMPENSATION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-308a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) In addition to the compensation benefits provided by section 31-  
4 308 for specific loss of a member or use of the function of a member of  
5 the body, or any personal injury covered by this chapter, the  
6 commissioner, after such payments provided by said section 31-308  
7 have been paid for the period set forth in said section, may award  
8 additional compensation benefits for such partial permanent disability  
9 equal to seventy-five per cent of the difference between the wages  
10 currently earned by an employee in a position comparable to the  
11 position held by such injured employee prior to his injury, after such  
12 wages have been reduced by any deduction for federal or state taxes,  
13 or both, and for the federal Insurance Contributions Act in accordance  
14 with section 31-310, as amended, and the weekly amount which such  
15 employee will probably be able to earn thereafter, after such amount  
16 has been reduced by any deduction for federal or state taxes, or both,  
17 and for the federal Insurance Contributions Act in accordance with  
18 section 31-310, as amended, to be determined by the commissioner  
19 based upon the nature and extent of the injury, the training, education

20 and experience of the employee, the availability of work for persons  
 21 with such physical condition and at the employee's age, but not more  
 22 than one hundred per cent, raised to the next even dollar, of the  
 23 average weekly earnings of production and related workers in  
 24 manufacturing in the state, as determined in accordance with the  
 25 provisions of section 31-309. If evidence of exact loss of earnings is not  
 26 available, such loss may be computed from the proportionate loss of  
 27 physical ability or earning power caused by the injury. The duration of  
 28 such additional compensation shall be determined upon a similar basis  
 29 by the commissioner, but in no event shall the duration of such  
 30 additional compensation exceed [the lesser of (1) the duration of the  
 31 employee's permanent partial disability benefits, or (2)] five hundred  
 32 twenty weeks. Additional benefits provided under this section shall be  
 33 available only to employees who are willing and able to perform work  
 34 in this state.

35 (b) (1) Notwithstanding the provisions of subsection (a) of this  
 36 section, additional benefits provided under this section shall be  
 37 available only when the nature of the injury and its effect on the  
 38 earning capacity of an employee warrant additional compensation.

39 (2) If additional compensation is awarded under subsection (a) of  
 40 this section, the commissioner shall state the basis for such award, and  
 41 such statement shall include an evaluation of the nature and extent of  
 42 the injury, the training, education and experience of the employee and  
 43 the availability of work for persons of the employee's age with the  
 44 employee's physical condition.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	31-308a

**LAB**      *Joint Favorable Subst.*